record.

Restriction was required under 35 USC 121 as follows:

Group 1. Claims 1-6, 10-11, 16-20, 22-29 and 41-55 drawn to an antigen binding region specific for an epitope of the Fas antigen, said epitope being conserved between a primate and a non-primate animal, monoclonal antibody and hybridoma cell line.

It is considered that "antibody" may be more appropriate than "monoclonal antibody" for Group 1.

Group 2. Claims 7-9, 12-13, 16-19, 26-29, 41-45 and 58-60 drawn to an antibody produced by the hybridoma HFE7A.

Group 3. Claims 14-15 and 16-18 drawn to a recombinant antibody.

Group 4. Claim 21 drawn to a method of evaluating therapies.

Group 5. Claim 30 drawn to a DNA encoding a single polypeptide portion of a molecule of any of claims 1, 6, 8 and 9.

Group 6. Claim 31 drawn to a DNA comprising residues 100-753 of SEQ ID NO:49.

Group 7. Claim 31 drawn to a DNA comprising residues 100-753 of SEQ ID NO:51.

Group 8. Claim 31 drawn to a DNA comprising residues 100-753 of SEQ ID NO:53.

Group 9. Claim 31 drawn to a DNA comprising residues 100-753 of SEQ ID NO:106.

Group 10. Claim 31 drawn to a DNA comprising residues 100-753 of SEQ ID NO:108.

Group 11. Claim 32 drawn to a DNA comprising residues 100-753 of SEQ ID NO:88.

Group 12. Claim 32 drawn to a DNA comprising residues 82-3042 of SEQ ID NO:116.

Group 13. Claims 33 and 35 drawn to a DNA and host cell comprising residues 1-218 of SEQ ID NO:50.

Group 14. Claims 33 and 35 drawn to a DNA and host cell encoding residues 1-218 of SEQ ID NO:50.

Groups 13 and 14 are both directed to residues 1-218 of SEQ ID NO:50 and thus Groups 13 and 14 are duplicative.

Group 15. Claims 33 and 35 drawn to a DNA and host cell encoding residues 1-218 of SEQ ID NO:52.

Group 16. Claims 33 and 35 drawn to a DNA and host cell encoding residues 1-218 of SEQ ID NO:54.

Group 17. Claims 33 and 35 drawn to a DNA and host cell encoding residues 1-218 of SEQ ID NO:107.

Group 18. Claims 33 and 35 drawn to a DNA and host cell encoding residues 1-218 of SEQ ID NO:109.

Group 19. Claims 34 and 36 drawn to a DNA and host cell encoding residues 1-451 of SEQ ID NO:89.

Group 20. Claims 34 and 36 drawn to a DNA and host cell encoding residues 1-451 of SEQ ID NO:117.

Groups 21 to 28. Claim 39 drawn to eight different cell lines of E. coli, each of which is alleged to be a separate invention.

Applicants were required to elect a single cell line for examination if Groups 21 to 28 were elected.

Group 29. Claims 34 and 36 drawn to a DNA and host cell encoding residues 1-451 of SEQ ID NO:117.

Groups 20 and 29 are duplicative.

Groups 30 to 40. Claims 56 and 57 drawn to a method for the treatment of the following different diseases, with a molecule of Group 1: autoimmune diseases, allergy, atopy, arteriosclerosis, myocarditis, cardiomyopathy, glomerular nephritis, hypoplastic anemia, hepatitis, acquired immunodeficiency syndrome and rejection after organ transplantation.

Applicants were required to elect a specific disease for examination if Groups 30 to 40 were elected.

Groups 41 to 51. Claim 57 drawn to a method for the prophylaxis of the following different diseases, with a molecule of Group 1: autoimmune diseases, allergy, atopy, arteriosclerosis, myocarditis, cardiomyopathy, glomerular nephritis, hypoplastic anemia, hepatitis, acquired immunodeficiency syndrome and rejection after organ transplantation.

Applicants were required to elect a specific disease for examination if Groups 41 to 51 were elected.

Groups 52 to 62. Claim 57 drawn to a method for the treatment of the following different diseases, with a molecule of Group 2: autoimmune diseases, allergy, atopy, arteriosclerosis, myocarditis, cardiomyopathy, glomerular nephritis, hypoplastic

anemia, hepatitis, acquired immunodeficiency syndrome and rejection after organ transplantation.

Applicants were required to elect a specific disease for examination if Groups 52 to 63 were elected.

Groups 63 to 73. Claim 57 drawn to a method for the prophylaxis of the following different diseases, with a molecule of Group 2: autoimmune diseases, allergy, atopy, arteriosclerosis, myocarditis, cardiomyopathy, glomerular nephritis, hypoplastic anemia, hepatitis, acquired immunodeficiency syndrome and rejection after organ transplantation.

Applicants were required to elect a specific disease for examination if Groups 63 to 73 were elected.

Group 74. Claim 61 drawn to a humanized anti-Fas antibody.

Groups 75 to 78. Claim 62 drawn to an antibody molecule comprising one or more heavy chains selected from the group consisting of SEQ ID NO:143, 145, 147 and 157, respectively.

Applicants were required to elect a single heavy chain molecule or a specific combination of heavy chain molecules for examination if Groups 75 to 78 were elected.

Groups 79 to 82. Claim 63 drawn to an antibody molecule comprising one or more light chains selected from the group consisting of SEQ ID NO:107, 127, 129 and 113, respectively.

Applicants were required to elect a single light chain molecule or a specific combination of light chain molecules for examination if Groups 79 to 82 were elected.

Groups 83 to 86. Claims 82 to 85 drawn to a method of treatment of a condition involving an abnormality in the Fas/Fas ligand system comprising administering the antibody of claim 62.

Applicants were required to elect a single heavy chain molecule or a specific combination of heavy chain molecules for examination if Groups 83 to 86 were elected.

Groups 87 to 90. Claims 86 and 87 drawn to a method of treatment of a condition involving an abnormality in the Fas/Fas ligand system comprising administering the antibody that comprises one or more light chains selected from the group of SEQ ID NO:127, 129 and 131 and one or more heavy chains selected from the group of SEQ ID NO:143, 145 and 147.

Applicants were required to elect a single heavy chain molecule or a specific combination of heavy chain molecules for examination and a single light chain molecule or a specific combination of light chain molecules for examination if Groups 87 to 90 were elected.

Groups 91 to 94. Claim 91 drawn to a DNA encoding an antibody molecule comprising one or more heavy chains selected from the group consisting of SEQ ID NO:143, 145, 147 and 157, respectively .

Applicants were required to elect a DNA encoding a single heavy chain molecule or a specific combination of heavy chain molecules for examination if Groups 91 to 94 were elected.

Groups 95 to 100. Claim 93 drawn to a DNA encoding an antibody molecule comprising one or more heavy chains selected

from the group consisting of SEQ ID NO:143, 145 and 147 and comprising one or more light chains selected from the group consisting of SEQ ID NO:127, 129 and 131, respectively.

Applicants were required to elect a DNA encoding a single heavy chain molecule or a specific combination of heavy chain molecules for examination and to elect a DNA encoding a single light chain molecule or a specific combination of light chain molecules for examination if Groups 95 to 100 were elected.

Groups 101 to 107. Claim 106 drawn to seven different transformant strains each of which is alleged to be a separate invention.

If these Groups were elected, applicants were required to elect a single transformant strain.

Groups 108 to 110. Claim 108 drawn to a DNA encoding SEQ ID NO:127, 129 and 131, respectively.

Applicants were required to identify a nucleotide sequence drawn to the elected group if these Groups were elected.

Groups 111 to 114. Claim 117 drawn to a host cell transformed with a combination of a DNA encoding SEQ ID NO:127, 129, 131, respectively.

Applicants were required to elect a specific DNA combination for examination if Groups 111 to 114 were elected.

Applicants elect **Group 1** (claims 1-6, 10-11, 16-20, 22-29 and 41-55) with traverse.

The Restriction Requirement is traversed because, as discussed above, (i) Groups 13 and 14 are duplicative, and (ii)

Groups 20 and 29 are duplicative.

The Restriction Requirement is further traversed because of the extraordinary number of Groups, i.e., 114 Groups.

The Restriction Requirement is traversed also because the Examiner identically classified the following Groups:

Groups 1 and 3 in class 530, subclass 387.1;

Groups 7 to 20 and 29 in class 536, subclass 23.1;

Groups 4, 30-40, 41-51, 52-62 and 63-73 in class 424, subclass 130.1; and

Groups 83-86 and 87-90 in class 424, subclass 130+.

It is respectfully submitted that the Office Action did not establish sufficient reasons for the Restriction Requirement pursuant to MPEP 808.02 with respect of separate classification, separate status in the art and different fields of search.

Moreover, several single claims were classified in several Groups such as claims 86, 91, 93, 106, 108 and 117. It appears that a species election would have been more appropriate with respect of these claims.

Withdrawal of the Restriction Requirement is therefore respectfully requested. If the Restriction Requirement is not withdrawn, then it is respectfully requested that the number of Groups be substantially reduced based on at least the above identically classified Groups.

In Paragraph Nos. 5 to 7 on pages 10 and 11 of the Office Action, applicants were also required to elect a single species and identify the claims that read on the elected species in the specifically elected group.

Applicants' species election is as follows:

(i) Light chain: SEQ ID NO:107 (claim 29);

(ii) Heavy chain: SEQ ID NO:117 (claim 29);

(iii) Condition: rheumatoid arthritis (claim 45).

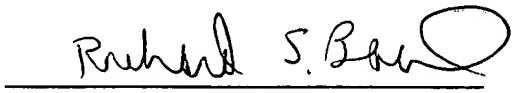
The Restriction Requirement concerning the election of a species is respectfully traversed on the ground that it is not a species requirement of the type set forth in the third paragraph of MPEP 803.02 entitled "PRACTICE RE MARKUSH TYPE CLAIMS". It is respectfully submitted that the practice set forth therein and in the decisions cited in MPEP 803.02 are the proper practice to be applied in the present case and to the extent that the Restriction Requirement is not consistent therewith, it is respectfully traversed.

If, however, the Restriction Requirement is maintained, then taking into consideration that there are generic claims, it is respectfully requested that the provisions of 37 CFR 1.141(a) and the procedure set forth in MPEP 806.04(d) be followed, which provide that once a claim that is determined to be generic is allowed, all of the claims drawn to species, in addition to the elected species, which include all of the limitations of the generic claim, should be allowed.

Reconsideration is respectfully requested.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,



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